

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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DEON ERNEST LAWRENCE,

Plaintiff,

v.

No. 9:05-CV-653  
(FJS/DRH)

KEALY, New York State Trooper;  
HOUGHMASTER, New York State  
Trooper; NEW YORK STATE POLICE  
DEPARTMENT; and STATE OF NEW  
YORK,

Defendants.

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**APPEARANCES:**

**OF COUNSEL:**

DEON ERNEST LAWRENCE  
05-B-1123  
Plaintiff, Pro Se  
Gowanda Correctional Facility  
Post Office Box 311  
Gowanda, New York 14070

HON. ELIOT SPITZER  
Attorney General for the  
State of New York  
Attorney for Defendants  
The Capitol  
Albany, New York 12224-0341

STEPHEN M. KERWIN, ESQ.  
Assistant Attorney General

**FREDERICK J. SCULLIN, JR., C.D.J.:**

**DECISION AND ORDER**

The above-captioned matter having been presented to me by the Report-Recommendation of Magistrate Judge David R. Homer filed January 31, 2005, and the Court having reviewed the Report-Recommendation and the entire file in this matter, and no objections to said Report-Recommendation having been filed, it is hereby

**ORDERED**, that the Report-Recommendation of Magistrate Judge David R. Homer filed January 31, 2005 is **ACCEPTED** in its entirety, for the reasons stated therein; and it is further

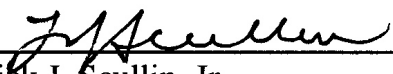
**ORDERED**, that defendants' motion to dismiss is **GRANTED**, and it is further

**ORDERED**, that all claims are **DISMISSED** against the New York State Police Department and the State of New York, and it is further

**ORDERED**, that all claims are **DISMISSED** against Kealy and Houghmaster in their official capacities and that the case proceed against these two defendants solely in their individual capacities.

**IT IS SO ORDERED.**

DATED: February 21, 2006  
Syracuse, New York

  
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Frederick J. Scullin, Jr.  
Chief United States District Court Judge

